UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

2:11-cv-01428-ECR-GWF
MINUTES OF THE COURT
DATE: November 3, 2011
U. S. DISTRICT JUDGE
Reporter:NONE APPEARING
NONE APPEARING
NONE APPEARING

MINUTE ORDER IN CHAMBERS

On September 28, 2011, Plaintiff filed a "Request to Enter Default Complaint for Summons" (#6), which requests that the Clerk enter default against Defendant Citimortgage, Inc., sued as "Citi Home Loans Servicing LP." On October 25, 2011, Defendant Citimortgage Inc. filed an opposition (#8), stating that it was not properly served. On the same date, Defendant Citimortgage Inc. filed a Motion to Dismiss (#9).

Plaintiff's motion for entry of default (#6) did not seek to enter default against Mortgage Electronic Registration Systems ("MERS"). MERS appeared in the action on October 31, 2011, and filed an Objection to Purported Service of Process (#14), stating that it was also improperly served by mail. MERS also states that the objection "is made for the purpose of informing the clerk of the Court that MERS intends to defend this action" despite the invalid service of process.

On November 2, 2011, Plaintiff filed a "Notice of Non-Opposition to Defendants' Motion to Strike Plaintiff's Request for Entry of Default" (#16). Plaintiff states that she is filing a notice of non-opposition

because defendants "filed an appearance in this case in the form of their Motion to Dismiss." Plaintiff appears to be referring to the opposition (#8) and objection (#14) filed in response to her motion for entry of clerk's default (#6). Defendants have not filed a motion to strike.

IT IS, THEREFORE, HEREBY ORDERED that Plaintiff's motion for entry of clerk's default (#6) is **DENIED**.

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